

APPROVED 01/15/2009

At 6:10 pm the Board's meeting was called to order in the first floor Selectmen's Office meeting room due to a scheduling conflict with the Zoning Board of Adjustment, who was meeting in the land use meeting room in the basement. Present were Selectmen Gene Cordes, Donald Gates Jr, and Brett Hunter; and Town Administrator Heidi Carlson.

The Board reviewed the agenda and began reviewing mail.

At 6:15 pm Diane Rossi met with the Board to discuss some outstanding tax matters. A motion was made by Gates to enter non-public session pursuant to RSA 91-A 3 II (c); seconded by Hunter and voted unanimously in favor 3-0.

At 6:20 pm motion was made by Hunter and seconded by Gates to return to public session. The roll call vote was unanimously in favor 3-0.

Motion was made by Gates and seconded by Hunter to abate \$1,063.34 in interest and costs on the 2005 tax lien on parcel 01-074. The vote was unanimously in favor.

Mrs Rossi left the meeting at approximately 6:30 pm.

OLD BUSINESS

1. Approval of minutes for 23 December 2008 was deferred until next week.
2. The Board reviewed a new draft of the 2009 Warrant and was updated on recommendations made by the Budget Committee at their meeting of December 29th. Carlson discussed additional preparation for the Town Public Budget Hearing on January 13, 2009 at 7:30 pm. The Budget Committee meets at 7:00 pm that evening to review any petitions that have been submitted. A Board meeting will also be posted for 6:30 pm that evening to take positions on any petitions submitted by the 4:00 pm deadline, prior to presentation at the Public Hearing.
3. There was again lengthy discussion about the Police Department wage information in response to errors the Budget Committee found last night in reviewing it. There were addition errors carried forward from earlier revisions of the budget, and Chief Janvrin had actually budgeted for two steps on the wage matrix, appearing to use Town Meeting for the first adjustment and the anniversary date for the second adjustment. This resulted in almost double the wage increases than initially discussed/calculated, and is not the same formula used for other town employees. This had not been realized until the Budget Committee's more thorough review of the information at Monday's meeting.

The Board again stated that they wanted to be consistent with all employees and move them to a step and grade for 2009. The Board had understood that employees would in essence forego a cost of living raise for 2009, and be moved up to a suitable position (providing all with a raise) if the budget (wage schedule) was approved at the Annual Meeting.

The Board discussed when the planned increase would occur. They felt that for part-time staff, it would occur after the funding was approved at Town Meeting, as this is the normal point of increase for part-time employees. There was discussion about this being the time to "re-set" the time when wage adjustments were made to the beginning of the calendar year, to get everyone on the same schedule with evaluations, and get a more balanced effect of any changes.

There was additional discussion about merit increases and how people are checked in their performance.

4. The Board discussed the Animal Control truck disbursement, reviewing a list of the four accounts Janvrin had charged to cover the \$6,000 expense for the new vehicle thus far.

Gates moved to authorize the line item transfers from the Police Department and Animal Control Budgets as follows to cover the \$6,000 cost for the truck and cap:

\$1,600 from ACO Kennel 1-4414-101
\$1,400 from ACO Wages 1-4414-301
\$2,000 from PD Equipment 1-4210-111
\$1,000 from PD Range 1-4210-209

Hunter seconded and the vote was unanimously approved 3-0. The Board does still want to talk with Chief Janvrin about the line item transfers.

5. Selectmen reviewed contract with Richard Goterch for Complex awning repairs and found it to be acceptable. Cordes suggested approving ½ payment, as outlined in Goterch's contract, in the amount of \$1,963.00. Gates so moved, seconded by Hunter and voted unanimously in favor.

Hunter then moved to encumber the second half payment of \$1,960.00 from the 2008 budget. Gates seconded and the vote was unanimously approved.

6. Selectmen reviewed information on the Rislove's Way road bond to determine the amount of the two year maintenance bond. Carlson indicated that Tom Avallone had indicated this week that the original cost for the road was \$250,000. The Town had never had an independent assessment of this done, as the developers chose to simply build the road and not bond it until they were near the end (currently a \$78,000 bond on file for remaining items).

Using that initial construction estimate, the two year maintenance bond would be between \$25,000 (10%) and \$50,000 (20%) as per the Town's Subdivision Regulations. The Board indicated if all information back from the Engineer and road Agent were acceptable that they were comfortable with the \$25,000 amount, which is generally used if there are not substantial issues with the road construction.

This amount is to be posted in cash as per current procedure related to all maintenance bonds.

6. Selectmen reviewed an email from Peter Epstein regarding a couple of lingering issues to be resolved for the cable contract renegotiation. This includes the following (reprinted from the email in italics):

First, in Section 8.1(b) regarding the \$10,000.00 advance payment: Comcast remains willing to do this but still insists that it needs 60 days from execution of the new renewal franchise to make the payment. I had been pressing for 30 days but you indicated in your December 22nd e-mail that the Selectmen were ok with the 60 days. So, I assume that the 60 day schedule is OK.

The Selectmen had already agreed that the 60 day provision was fine, and reaffirmed that again this evening.

Second, in Section 5.2(c) regarding the "re-engineering" to residents on Pulaski Drive, etc: The issue here was not whether Comcast would do this, but how the Town would pay for this. The 2.5% franchise fee in any one year will not cover this re-engineering cost, which Comcast estimates at about \$48,000.00. In Year One, there is also the 3-building origination costs at approximately \$26,500 and the \$10,000 advance.

The 2.5% fee is estimated in Year One to be approximately \$25,350.00. This will not cover the origination costs and advance.

Jay and I discussed having a higher franchise fee for three (3) years to cover the re-engineering costs, which fee will then be reduced in Year Four to the 2.5% that we have been discussing. To cover the re-engineering costs, I suggest a 4% franchise fee, which will yield approximately \$40,500.00 per year. This would easily cover the Town's Year One costs, then be enough to pay Comcast the \$48,000.00 in Year Three for the re-engineering costs, with some money remaining to buy additional equipment, etc. We would then reduce the franchise fee to 2.5% starting in Year Four of the Renewal Franchise.

Jay did say that, alternatively, Comcast could pass the \$48,000.00 through to Fremont subscribers for the entire term of the new franchise at \$.20 per subscriber per month. However, this appears to be incorrect, as it would only yield \$31,200.00, with interest. And, it has been my understanding that the Selectmen do not want to have interest charged.

The Selectmen wanted the \$48,000 put into franchise-related costs at a lower than 11% interest rate.

The two (2) remaining issues are (i) the amount of the performance bond, which I told Jay the Selectmen wanted @ \$50,000.00; and (ii) the daily liquidated damages, which the Selectmen want maintained at the same amounts as those in the Amherst, NH franchise. I told Jay that the Selectmen felt strongly about these 2 issues. He said that he would get back to me tomorrow on this.

Assuming we reach agreement on these matters, I can do a final draft of the Renewal Franchise which I can get to you tomorrow or Wednesday.

Selectmen reaffirmed that the performance bond amount of \$50,000 and the daily liquidated damages as specified were to remain the same.

Other information from a subsequent email included:

I called Jay Somers back to seek clarification of the \$.20 per subscriber per month charge. This actually was in reference to the \$26,000.00 for origination locations, not the \$48,000.00 for the re-engineering costs.

Amortizing the \$26,000.00 over the subscriber base over 10 years comes to just over \$.16 per subscriber per month. The other \$.03 or \$.04 per month is interest.

NEW BUSINESS

1. Selectmen reviewed the accounts payable manifest \$1,047,844.75 dated 27 December 2008. It included \$1,000,000 in support of the School District. Hunter moved to approve this manifest. Gates seconded and the vote was unanimously approved.
2. Selectmen reviewed a manual manifest for the balance of the 2008 petty cash account in the amount of \$116.66. This was approved and initialed by Board members.
3. Selectmen signed outgoing correspondence to Lisa Hepworth regarding an earlier request about the use of town property.
4. Selectmen reviewed the folder of incoming correspondence.

5. Carlson asked the Board to begin considering the Town Report for 2008 including their report, and the cover and appreciation / dedication information.

NEXT WEEK

The next regular Board meeting will be held on Thursday January 8, 2009 at 6:00 pm.

With no further business to come before the Board, motion was made by Gates and seconded by Hunter to adjourn the meeting at 8:15 pm. The vote was unanimously approved.

Respectfully submitted,

Heidi Carlson
Town Administrator